

FILED  
COURT OF APPEALS  
DIVISION II

2020 MAR 24 PM 1:17

STATE OF WASHINGTON

PV \_\_\_\_\_

Response to appellate brief

RE No 53532-7-II

In re: the parentage of L.J.McA

Submitted to the court drop box on March 23, 2020 for

Nathan Joseph McAllister, DOC 820359  
Cedar Creek Corrections Center  
12200 Bordeaux Road  
P. O. Box 37  
Littlerock, WA 98556

By:

Susan L. Sundahl, Case Manager  
Department of Corrections  
Strength in Families REFORM program  
20311 Old Hwy 9 SW  
Centralia, WA 98532

Phone: 360-523-2361

*Susan L. Sundahl 3-23-2020*

53532-7-II

# Respondent's Brief from Nathan McAllister

Honorable Judge

I am writing this brief in regards to cause # 53532-7-11.

Everything in this brief is true and correct to the best of my of my knowledge and from my heart.

I am Nathan Joseph McAllister and the biological father of Landon Joseph McAllister. I pray that the following is read liberally for I don't have the finances for a paid attorney. I have no access to a legal library for I am at Cedar Creek Correctional facility and am a layman to the law but neither of these reasons should separate me from my constitutional rights as a father that loves his son dearly.

It is obvious to me that Mr or Mrs Bergsicker continue to appeal the courts decision to deny the petition and cause my rights to be transgressed.

If Mr Bergsicker intentions are solely to ensure financial aid to my son he can do by drawing up a living will. The parenting privileges that he expresses so innocently sought in the best interest of my son.

are parenting privileges that are already granted by the mere fact that he has married Mrs Bergsiekler mother of my son.


I am asking that my functional or social parent child relationship with my son be recognized and protected.

Mr Bergsiekler's relationship has in fact affected my relationship with my son. I have made several attempts to contact my son through phone calls letters ect. Mr and Mrs Bergsiekler have not allowed me to communicate or have any type of relationship with my son under no circumstance. The last time I seen dandyn my son came to me and said Mr Bergsiekler had been spanking him. I informed Mr Bergsiekler that it was inappropriate for him to be spanking dandyn. I have not seen dandyn since, Jan 2016 the precedent. Under no circumstance do I want Mr Bergsiekler to be granted a De facto parentage. If Mr and Mrs Bergsiekler had dandyn's best interest at heart they would have allowed him to ~~have~~ to communicate and have a relationship with his Biological Father.

I am currently working toward Re Entry. I have tried to utilize this experience to grow as an individual through programs offered through the Department of Natural Resources Thinking for a change Strength and Families Parenting Inside Out Walking the line Job Seeking Skills Men Stepping Up

I plan on assuming all responsibility as a father as soon as possible. I plan on establishing a parenting plan upon release. Attached is a list of goals and certificates of achievements I accomplished. Also I have applied for programs that will help me upon Re Entry and hope to be released soon. I will be released at the latest November 13, 2020, and would like the opportunity to appear if possible.

H  
I am requesting that the appeal  
for the Debito Parentage Decision be  
denied. If the court chooses to  
proceed I am requesting either a  
court appointed attorney or  
continuance until after my release  
from prison to obtain legal counsel  
of my own with adequate time to  
respond.

Nathan McAllister 02-12-20  


Nathan McAllister

➤ #820359

## GOALS

### 1-5 Year plan

- Participate in Graduated Re-Entry Program
- Chemical Dependency Treatment 2.1 Recommended By Chemical Dependency Professional
- Rebuild Relationship With Children & Positive Support Network
- Reinstate Washington State Driver's License Through Department of Licensing
- Find Appropriate Car Insurance
- Make Payments Through Operating Engineers Union To Reinstate Membership
- Seek and Maintain Gainful Employment In Operating Engineers Union
- Establish Savings Account To Ensure Solid Foundation Upon Re-Entry
- Make Payments Toward Diligent Debt Through Division of Child Support
- File Taxes And Pay Off Any Delinquent Debt Through IRS
- Start Rebuilding Credit Score
- Reinstate Washington State Business License
- Build A Home To Share With My Family

Cedar Creek Corrections Center  
Olympic Unit  
P.O. Box 37  
Little Rock, WA 98556

Nathan McAllister

➤ #820359

#### ACCOMPLISHMENTS WHILE INCARCERATED

##### Department of Natural Resources

- S-190 Introduction to Wildland Fire Behavior
- S-130 Fire Fighter Training
- L-180 Human Factors in the Wildland Fire Service
- S-212 Wildland Fire Chainsaws Railroad Safety Training

##### Religious

- Baptism Certificate

##### Thinking For A Change

- Certificate of Completion

##### Strength and Families Program

- Walking the Line
- Parenting Inside Out (10 Class Participation for Completion)
- Job Seeking Skills

##### Department of Transportation

- Storm Water Training Seminar

Cedar Creek Corrections Center  
Olympic Unit  
P.O. Box 37  
Little Rock, WA 98556

This Certificate is  
Awarded to

*Nathan Mcallister*

for successful completion of  
S-190 Introduction to Wildland Fire Behavior  
S-130 Firefighter Training  
L-180 Human Factors in the Wildland Fire Service

May 23-June 1, 2018

DATE

Larch Corrections Center, Yacolt, WA  
WA Department of Natural Resources.



Tim Walker

Assistant Camp Manager

*Certificate of Training*



This Certificate is  
awarded to

*Nathan Mcallister*


for successful completion of  
S-212 Wildland Fire Chainsaws

4/18/2018

DATE

Larch Corrections Center  
WA Department of Natural Resources

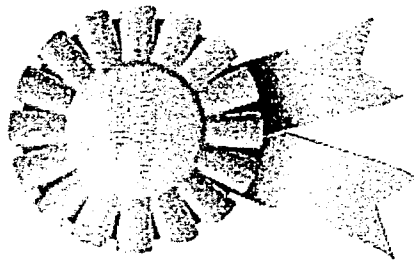


  
INSTRUCTOR – Jerome Mattila

*Certificate of Training*

parenting  
**inside**  
out™

*CERTIFICATE OF SUCCESSFUL COMPLETION*  
*PARENTING INSIDE OUT*



THIS CERTIFIES

**Nathan McAllister**  
HAS ATTENDED AND COMPLETED  
PARENTING INSIDE OUT

WITH THE FOLLOWING CORE COMPONENTS:  
Communication, Problem Solving, Monitoring  
Positive Reinforcement & Non-Violent Discipline Techniques

*Date: November 8, 2019*

*Awarding Parenting Coach: Georgie Brown*

*Georgie Brown*  
Signature



In recognition of your personal commitment,

dedication, and performance;

We hereby express congratulations to

*Nathan J McAllister*

For completing

*Walking the Line*

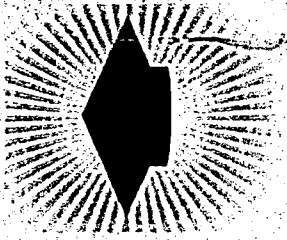
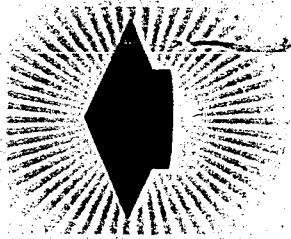


Date: March 14, 2019

Awarding Coach: Ryan Hogan

*Ryan Hogan*

Signature



*Certificate of Attendance and Completion*

*McEllister, Nathan #820359*

*Has completed Thinking for a Change*

*March 21, 2019*

*Shepherd*

*Facilitator: Victoria Shepherd*

*Lisa J. Flynn*

*Superintendent Lisa Flynn*

**Strength in Families**  
Certificate of Completion



THIS CERTIFICATE RECOGNIZES

**Nathan McAllister**

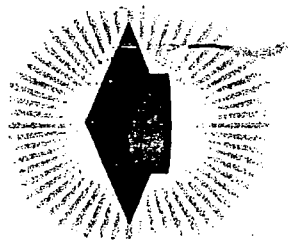
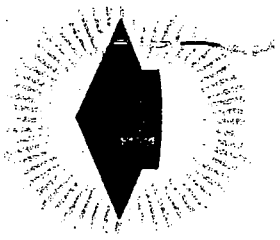
FOR SUCCESSFULLY COMPLETING ALL REQUIREMENTS OF  
**EMPLOYMENT READINESS TRAINING**

5/5/19

Date of Completion

A handwritten signature in black ink, appearing to read 'Kathy Gundlach', written over a horizontal line.

Kathy Gundlach - Instructor



*Certificate of Attendance and Completion*

*McAllister, Nathan #820359*

*Has completed Thinking for a Change*

*March 21, 2019*

*Shepherd*

*Facilitator: Victoria Shepherd*

*Lisa J. Flynn*

*Superintendent Lisa Flynn*

# BAPTISM CERTIFICATE

This Certifies that

Mr. Minister Nathan Joseph

Name:

Was Baptized in the name of the Father, and of the Son, and of the Holy Spirit

July 22<sup>nd</sup>, 2018

When:

Larch Corrections Center

Where:



Larch Chapel  
Chaplain Z. Jakstas  
Washington

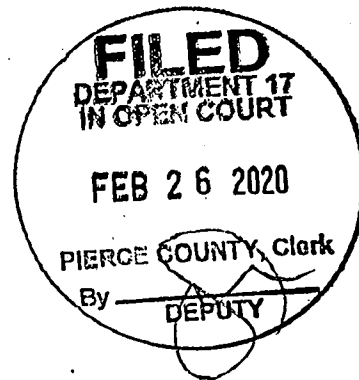
Chaplain Vilainas Jakstas

Baptized by:

Jeremy Reed

Witnessed by:

Jeremy Reed



IN THE SUPERIOR COURT OF WASHINGTON, COUNTY OF PIERCE

In re the Parentage of

LANDYN JOSEPH MCALLISTER

Cause No: 19-5-00207-3

ORDER DENYING MOTION FOR  
APPOINTMENT OF COUNSEL

(OR)

THIS MATTER having come on regularly before the undersigned judge upon respondent Nathan McAllister's motion for appointment of counsel (filed 2/13/20), and the court having considered the records and filed herein, now therefore

IT IS HEREBY ORDERED that respondent's motion for appointment of counsel is denied without prejudice due to procedural deficiencies.

DATED this 26 day of February, 2020.

Kirkendoll  
JUDGE KARENA KIRKENDOLL

\*Copy mailed to counsel and/or parties.



FILED  
IN COUNTY CLERK'S OFFICE

FEB 13 2020

PIERCE COUNTY, WASHINGTON  
KEVIN STOCK, County Clerk  
BY \_\_\_\_\_ DEPUTY

IN THE COURT OF APPEALS  
OF THE STATE OF WASHINGTON  
DIVISION \_\_\_\_\_

IN RE THE Parentage Action OF: ) COA NO. \_\_\_\_53532-7- II\_\_\_\_\_  
L. J. McAllister )  
Nathan Joseph McAllister ) Motion for Appointment of Counsel for Indigent  
DOC#820359, Respondent ) Petitioner.  
 ) RAP 16.11(b) & 16.15(h)  
 ) (Oral Argument Not Requested)

1. Identity of Moving Party.

Nathan McAllister, respondent, requests the relief designated in part 2.

2. Statement of Relief Sought

Respondent respectfully requests that this Court appoint counsel to represent him/her in his/her Parentage Action for L. J. McAllister proceeding.

3. Facts Relevant to Motion

Philip Michael Bergsieker is appealing the previous denial for defacto parentage for Nathan McAllister's son, L. J. McAllister. Mr. McAllister is indigent and has no legal counsel to address this motion. Mr. McAllister is requesting the court assign legal counsel for him.

1  
2 Respondent is indigent, as demonstrated by Mr. McAllister is currently incarcerated by  
3 the Washington Department of Corrections until his release date of 11-13-2020 and has no funds  
4 to secure legal counsel.

4. Grounds for Relief and Argument

5 RAP 16.15(h) permits the Court to appoint counsel for an indigent petitioner in a  
6 proceeding if the restraint is imposed by the state or local government. The court may also:

7 order waiver of charges for reproducing briefs and motions, provide for the  
8 preparation of the record of prior proceedings and provide for the payment of such  
other expenses as may be necessary to consider the petition in the appellate court.

8 RAP 16.15(h).

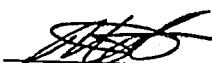
9 Additionally, upon determination that the case raises non-frivolous issues, the Court may  
10 "enter other orders necessary to obtain a prompt determination of the petition on the  
11 merits." RAP 16.11(b).

12 Appointment of counsel is appropriate in this case because the <sup>respondent</sup> petitioner is indigent. RAP  
13 16.15(h). The assistance of counsel is necessary to "obtain a prompt determination of the petition  
14 on the merits." RP 16.11(b). Additionally, the issues raised in this case are not frivolous because:  
"Mr. McAllister has no legal counsel to respond to this appeal\_"

15 Accordingly, petitioner respectfully requests that this Court appoint counsel to represent  
16 him/her in his/her Proceeding.

17 RAP 17.4(c) permits the commissioner or clerk to summarily determine without oral  
18 argument a motion that does not affect a substantial right of a party.

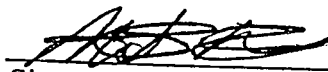
19 Signed 02-12-20 (date) in Little Rock (city), Washington.

20   
Signature of Respondant  
21 Nathan Joseph McAllister#820359

1 I certify that on 02-12-20 (date) \_\_\_\_\_, I sent this document to the  
2 Pierce (name of county) County Appellate Court at  
3 956 Broadway Suite 300, Tacoma, WA 98402 (address).

4 I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF  
WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

5 Signed 02-12-20 (date) in Little Rock (city), Washington.

7  
8   
Signature of Appellant  
Nathan Joseph McAllister #820359  
9 Cedar Creek Corrections Center  
P. O. Box 37  
10 Littlerock, WA 98556-0037

1  
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5  
6 IN THE COURT OF APPEALS  
7 OF THE STATE OF WASHINGTON  
8 DIVISION \_\_\_\_\_

9 IN RE THE Parentage Action OF: ) COA NO. \_\_\_\_53532-7- II \_\_\_\_\_  
10 L. J. McAllister )  
11 Nathan Joseph McAllister ) Motion for Appointment of Counsel for Indigent  
12 DOC#820359, Respondent ) Petitioner.  
13 ) RAP 16.11(b) & 16.15(h)  
14 ) (Oral Argument Not Requested)

15 1. Identity of Moving Party

16 \_Nathan McAllister\_, respondent, requests the relief designated in part 2.

17 2. Statement of Relief Sought

18 Respondent respectfully requests that this Court appoint counsel to represent him/her in his/her  
19 Parentage Action for L. J. McAllister proceeding.

20 3. Facts Relevant to Motion

21 Philip Michael Bergsieker is appealing the previous denial for defacto parentage for Nathan  
McAllister's son, L. J. McAllister. Mr. McAllister is indigent and has no legal counsel to address  
this motion. Mr. McAllister is requesting the court assign legal counsel for him.

Respondent is indigent, as demonstrated by Mr. McAllister is currently incarcerated by the Washington Department of Corrections until his release date of 11-13-2020 and has no funds to secure legal counsel.

#### 4. Grounds for Relief and Argument

RAP 16.15(h) permits the Court to appoint counsel for an indigent petitioner in a proceeding if the restraint is imposed by the state or local government. The court may also:

order waiver of charges for reproducing briefs and motions, provide for the preparation of the record of prior proceedings and provide for the payment of such other expenses as may be necessary to consider the petition in the appellate court.

RAP 16.15(h).

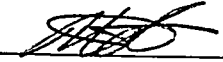
Additionally, upon determination that the case raises non-frivolous issues, the Court may "enter other orders necessary to obtain a prompt determination of the petition on the merits." RAP 16.11(b).

Appointment of counsel is appropriate in this case because the <sup>respondent</sup> ~~petitioner~~ is indigent. RAP 16.15(h). The assistance of counsel is necessary to "obtain a prompt determination of the petition on the merits." RP 16.11(b). Additionally, the issues raised in this case are not frivolous because: "Mr. McAllister has no legal counsel to respond to this appeal\_"

Accordingly, petitioner respectfully requests that this Court appoint counsel to represent him/her in his/her Proceeding.

RAP 17.4(c) permits the commissioner or clerk to summarily determine without oral argument a motion that does not affect a substantial right of a party.

Signed 02-12-20 (date) in Little Rock (city), Washington.

  
Signature of Respondant  
Nathan Joseph McAllister#820359

FORM 18. MOTION  
[Rule 17.3(a)]

No. [53532-7-IIAppellate court]

SUPREME COURT or COURT OF APPEALS, DIVISION I OF THE STATE OF WASHINGTON

[Title of trial court proceeding  
with parties designated as in  
rule 3.4] Re: The parentage of L. J. McA.:  
Philip Michael Bergsieker, Appellant

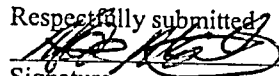
) Motion for  
) Request for Extension

And Nathan Joseph McAllister, Respondent

)

1. Identify of Moving Party  
[Nathan Joseph McAllister Respondent], asks for the relief designated in Part 2.
2. Statement of Relief Sought  
[Respondent requests an extension to apply for indigency and to request court appointed legal counsel]
3. Facts Relevant to Motion  
[Respondent, Nathan McAllister is currently incarcerated by the Washington State Department of Corrections and does not have funds to secure legal counsel to respond to this appeal. The defacto parenting laws are new and Mr. McAllister will need an attorney to address the new laws.
4. Grounds for Relief and Argument  
[Respondent, Nathan McAllister is currently incarcerated by the Washington State Department of Corrections and does not have funds to secure legal counsel to respond to this appeal.

[Date]

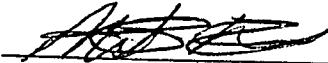
Respectfully submitted  
  
Signature

Pro se Respondent, Nathan Joseph McAllister  
Cedar Creek Corrections Center  
PO Box 37  
Littlerock, WA 98556-0037

1 I certify that on 02-12-20 (date) \_\_\_\_\_, I sent this document to the  
2 Pierce (name of county) County Appellate Court at  
3 956 Broadway Suite 300, Tacoma, WA 98402 (address).

4 I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF  
WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

5 Signed 02-12-20 (date) in Little Rock (city), Washington.

6  
7   
8 Signature of Appellant  
9 Nathan Joseph McAllister #820359  
10 Cedar Creek Corrections Center  
11 P. O. Box 37  
12 Littlerock, WA 98556-0037  
13  
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RAP FORM 12A. Findings of Indigency

[Rule 15.2(c)]

SUPERIOR COURT OF WASHINGTON  
FOR Pierce COUNTY

[Name of plaintiff] )  
Plaintiff, )  
Nathan Joseph McAllister )  
Respondent )  
[Name of defendant] )  
Defendant. )

Appellate Court No.  
No. [trial court] 53532-7-II

FINDINGS OF INDIGENCY AND  
ORDER TO TRANSMIT FINDINGS OF  
INDIGENCY

The court finds that Nathan Joseph McAllister, the respondent ~~appellant/petitioner~~ in this action is unable by reason of poverty to pay for all or some of the expenses of appellate review. The court finds, however, that the moving party is able to contribute \$ \_\_\_\_\_. The following portions of the record are reasonably necessary for review:

- (1) Those portions of the verbatim report of proceedings as follows: [Designate parts of report.]
- (2) A copy of the clerk's papers as follows: [Designate papers by name and trial court clerk's subnumber.]
- (3) Preparation of original documents to be reproduced by the clerk as provided in rule 14.3(b).
- (4) Reproduction of briefs and other papers on review that are reproduced by the clerk of the appellate court.
- (5) The cost of transmitting cumbersome exhibits: [Designate cumbersome exhibits needed for review. See rule 9.8(b).]
- (6) Other items: [Designate items.]

Now, therefore, it is ORDERED that the clerk of the superior court shall promptly transmit to the Supreme Court the Motion for Order of Indigency, any affidavit or declaration in support of the motion, and the Findings of Indigency.

[Date]

Signature

[Name]

Judge of the Superior Court

Presented by:

Nathan Joseph McAllister

Address of Party: P.O. Box 37

Littlevock, WA 98556-0037



[If presented by an attorney, name of Pro Se  
Attorney, name of party, and Washington  
State Bar Association membership number.]

[Adopted effective September 1, 2010; Amended effective January 3, 2016.]

Declaration of Service mailed on March 23, 2020

To:

Patricia S. Novotny *and Michele Gentry Hinz*

Zaragoza Novotny PLLC

3418 NE 65<sup>th</sup> St. Ste A

Seattle, WA 98115-7307

patricia@ovotyappeals.com

FILED  
COURT OF APPEALS  
DIVISION II

2020 MAR 24 PM 1:17

STATE OF WASHINGTON

BY \_\_\_\_\_

from:

Nathan Joseph McAllister

DOC 820359

Cedar Creek Corrections Center

12200 Bordeaux Road

P. O. Box 37

Little Rock, WA 98556

By:

Susan L. Sundahl, Case Manager

DOC Strength in Families

20311 Old Hwy 9 SW

Centralia, WA 98531

Phone: 360-523-3261

*Susan L. Sundahl 3-23-2020*